

Attorney's Docket No. 9362-4

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Williams et al.

Serial No.: 10/662,621

Filed: September 15, 2003

For: *CARBON DIOXIDE-ASSISTED METHODS OF PROVIDING BIOCOMPATIBLE INTRALUMINAL PROSTHESES*

Group Art Unit: 1615

Confirmation No.: 9764

Examiner: Neil S. Levy

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Declaration Under 37 C.F.R § 1.132
of Joseph M. DeSimone, Ph.D.

I, Joseph M. DeSimone, Ph.D., do hereby declare and say as follows:

1. For the application identified above, I submitted a declaration on January 24, 2007, explaining the difference between the invention claimed in the present application and the technology described in the Bawa et al. and Hile et al. references.

2. In this declaration, I stated that the following polymers are thermoplastic: surgical gut, silk, cotton, liposomes, poly(lactic acid), poly(L-lactic acid), poly(D,L-lactic acid), poly(glycolic acid), poly(D-lactic-co-glycolic acid), poly(L-lactic-co-glycolic acid), poly(D,L-lactic-co-glycolic acid), poly(ε-caprolactone), poly(valerolactone), poly(hydroxy butyrate), poly(hydrovalerate), polydioxanone, poly(propylene fumarate), and copolymers thereof, and collagen and chitosan.

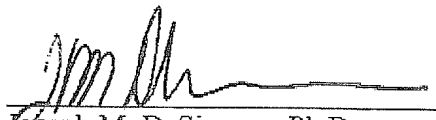
3. I inadvertently made an error in this statement. The following polymers are not, to my knowledge, thermoplastic: liposomes, cotton and silk.

4. Therefore, item 5 of the January 24, 2007 declaration should correctly state that "Bawa et al. concerns the treatment of contact lenses with supercritical fluids. However, the polymers focused on and tested in Bawa et al. are elastomeric hydrogels, which have significantly different physical properties than the following thermoplastic polymers: surgical gut, poly(lactic acid), poly(L-lactic acid), poly(D,L-lactic acid), poly(glycolic acid), poly(D-lactic-co-glycolic acid), poly(L-lactic-co-glycolic acid), poly(D,L-lactic-co-glycolic acid), poly(ε-caprolactone), poly(valerolactone), poly(hydroxy butyrate), poly(hydrovalerate), polydioxanone, poly(propylene fumarate), and copolymers thereof, and collagen and chitosan."

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5. The remainder of the January 24, 2007 declaration (items 1-4 and 6-16), including the statements regarding the Bawa et al. and Hile et al. references, is correct. Thus, I fully support all of the statements made in the January 24, 2007 declaration, except for the indication that liposomes, cotton and silk are thermoplastic polymers.

6. I do hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.


Joseph M. DeSimone, Ph.D.

July 20, 2007
Date